IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 906/2004

LAXMI NARAIN Vs. BHOLA RAM & ORS.

DATE: 15.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Pankaj Gupta for the complainant-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.

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The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the judgment dated 22.07.2004 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Jaipur in Sessions Case No. 15/2004, whereby the accused-respondents have been acquitted from the offence under Sections 323, 341 IPC and Section 3(1)(x) of the SC/ST Act.

The main submission of the revision-petitioner is that the prosecution and the complainant have fully proved the case against the accused-respondents and the evidence of the witnesses adduced and the medical report also corroborate the story of the prosecution, but the Court below without properly appreciating the same, given the benefit of doubt to the accused-

respondents and acquitted them from the offences under Sections 323, 341 IPC and Section 3(1)(x) of the SC/SC Act.

I have heard learned counsel for the complainant-petitioner, learned Public Prosecutor for the State and have also gone through the impugned judgment dated 22.07.2004.

The trial Court while dealing with the case has categorically stated that it is not disputed that the dispute arises with regard to entry of the names in the muster roll and some scuffle took place between the parties, but there was no ingredients with regard to offence under Section 3(1)(x) of the SC/ST Act against the accused-respondents and it appears that the petitioner being a member of the scheduled caste/scheduled tribe has registered a false case. Further the trial Court after appreciating the evidence of the witnesses adduced found contradictions in the statements of the witnesses and, therefore, considered the same as not trustworthy. The trial Court given the benefit of doubt to the accused-respondents and acquitted them from the offences under Sections 323, 341 IPC and Section 3(1)(x) of the SC/ST Act vide its judgment dated 22.07.2004.

I find no illegality or error in the impugned judgment dated 22.07.2004 passed by the trial Court and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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